

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)
)
 v.) Criminal No. 15-155
)
MORGAN C. CULBERTSON)
 a/k/a "Android")

INFORMATION MEMORANDUM

AND NOW comes the United States of America, by its attorneys, David J. Hickton, United States Attorney for the Western District of Pennsylvania, and James T. Kitchen, Assistant United States Attorney for said District, and submits this Information Memorandum to the Court:

I. THE INFORMATION

The United States Attorney has filed a one-count Information against the above-named defendant for alleged violations of federal law:

<u>COUNT</u>	<u>OFFENSE/DATE</u>	<u>TITLE/SECTION</u>
1	Conspiracy/Attempt to Cause Damage to a Protected Computer From in and around January 2013, and continuing thereafter until on or about August 20, 2014	18 U.S.C. § 1030 (b)

II. ELEMENTS OF THE OFFENSES

A. As to Count 1:

In order for the crime of Conspiracy/Attempt to Cause Damage to a Protected Computer, in violation of 18 U.S.C. § 1030 (b),

to be established, the government must prove all of the following essential elements beyond a reasonable doubt:

1. That the defendant attempted to, or conspired with another to, or did knowingly cause transmission of a program, information, or command;

2. That, as a result of such transmission, the defendant would have intentionally caused damage to a protected computer without authorization; and

3. That the actions of the defendant, if completed, would have caused damage affecting 10 or more protected computers during any one year period.

III. PENALTIES

A. As to Count 1: Conspiracy/Attempt to Cause Damage to a Protected Computer (18 U.S.C. § 1030(b)):

1. A term of imprisonment of not more than 10 years;
2. A fine of up to \$250,000 or twice the pecuniary gain to any person or twice the pecuniary loss to any person; and
3. A term of supervised release of not more than three years.

IV. MANDATORY SPECIAL ASSESSMENT

A mandatory special assessment of \$100.00 must be imposed at each count upon which the defendant is convicted, pursuant to 18 U.S.C. § 3013.

V. RESTITUTION

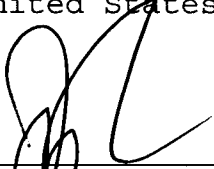
Restitution may be required in this case, together with any authorized penalty, as part of the defendant's sentence pursuant to 18 U.S.C. §§ 3663, 3663A, and 3664.

VI. FORFEITURE

Not applicable in this case.

Respectfully submitted,

DAVID J. HICKTON
United States Attorney



JAMES T. KITCHEN
Assistant U.S. Attorney
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